

House Joint Resolution

A joint resolution proposing amendments to Section 8 of Article I and Section 5 of Article VIII of the State Constitution to exempt certain law enforcement officers from the 3-day waiting period for handgun purchases under state law and any criminal history records check or 3 to 5-day waiting period under a county ordinance for firearm purchases.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 8 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 8. Right to bear arms.—

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and

26 | delivery at retail of any handgun. For the purposes of this
 27 | section, "purchase" means the transfer of money or other
 28 | valuable consideration to the retailer, and "handgun" means a
 29 | firearm capable of being carried and used by one hand, such as a
 30 | pistol or revolver. As prescribed by Florida law, certified law
 31 | enforcement officers who are employed or appointed by a law
 32 | enforcement agency in this state and holders of a concealed
 33 | weapon permit ~~as prescribed in Florida law~~ shall not be subject
 34 | to the provisions of this paragraph.

35 | (c) The legislature shall enact legislation implementing
 36 | subsection (b) of this section, effective no later than December
 37 | 31, 1991, which shall provide that anyone violating the
 38 | provisions of subsection (b) shall be guilty of a felony.

39 | (d) This restriction shall not apply to a trade in of
 40 | another handgun.

41 | ARTICLE VIII

42 | LOCAL GOVERNMENT

43 | SECTION 5. Local option.—

44 | (a) Local option on the legality or prohibition of the
 45 | sale of intoxicating liquors, wines or beers shall be preserved
 46 | to each county. The status of a county with respect thereto
 47 | shall be changed only by vote of the electors in a special
 48 | election called upon the petition of twenty-five per cent of the
 49 | electors of the county, and not sooner than two years after an
 50 | earlier election on the same question. Where legal, the sale of

51 intoxicating liquors, wines and beers shall be regulated by law.

52 (b) Each county shall have the authority to require a
 53 criminal history records check and a 3 to 5-day waiting period,
 54 excluding weekends and legal holidays, in connection with the
 55 sale of any firearm occurring within such county. For purposes
 56 of this subsection, the term "sale" means the transfer of money
 57 or other valuable consideration for any firearm when any part of
 58 the transaction is conducted on property to which the public has
 59 the right of access. As prescribed by general law, certified law
 60 enforcement officers who are employed or appointed by a law
 61 enforcement agency in this state and holders of a concealed
 62 weapons permit as prescribed by general law shall not be subject
 63 to the provisions of this subsection when purchasing a firearm.

64 BE IT FURTHER RESOLVED that the following statement be
 65 placed on the ballot:

66 CONSTITUTIONAL AMENDMENT

67 ARTICLE I, SECTION 8

68 ARTICLE VIII, SECTION 5

69 EXEMPTION FROM REQUIREMENTS FOR FIREARM PURCHASES FOR
 70 CERTAIN LAW ENFORCEMENT OFFICERS.—Proposing an amendment to the
 71 State Constitution to exempt certified law enforcement officers
 72 who are employed or appointed by a law enforcement agency in
 73 this state, as prescribed in Florida law, from the three-day
 74 waiting period for handgun purchases under state law and from

75 | any criminal history records check and 3 to 5-day waiting period
76 | for a firearm purchase under a county ordinance.